

Juristat Article

Adult criminal court statistics in Canada, 2011/2012

by Jillian Boyce

Canadian Centre for Justice Statistics

Released on June 13, 2013



Statistics
Canada

Statistique
Canada

Canada

How to obtain more information

For information about this product or the wide range of services and data available from Statistics Canada, visit our website, www.statcan.gc.ca.

You can also contact us by

email at infostats@statcan.gc.ca,

telephone, from Monday to Friday, 8:30 a.m. to 4:30 p.m., at the following toll-free numbers:

- | | |
|---|----------------|
| • Statistical Information Service | 1-800-263-1136 |
| • National telecommunications device for the hearing impaired | 1-800-363-7629 |
| • Fax line | 1-877-287-4369 |

Depository Services Program

- | | |
|------------------|----------------|
| • Inquiries line | 1-800-635-7943 |
| • Fax line | 1-800-565-7757 |

To access this product

This product, Catalogue no. 85-002-X, is available free in electronic format. To obtain a single issue, visit our website, www.statcan.gc.ca, and browse by "Key resource" > "Publications."

Standards of service to the public

Statistics Canada is committed to serving its clients in a prompt, reliable and courteous manner. To this end, Statistics Canada has developed standards of service that its employees observe. To obtain a copy of these service standards, please contact Statistics Canada toll-free at 1-800-263-1136. The service standards are also published on www.statcan.gc.ca under "About us" > "The agency" > "Providing services to Canadians."

Published by authority of the Minister responsible for
Statistics Canada

© Minister of Industry, 2013

All rights reserved. Use of this publication is governed by the
Statistics Canada Open Licence Agreement (<http://www.statcan.gc.ca/reference/licence-eng.html>).

Cette publication est aussi disponible en français.

Note of appreciation

Canada owes the success of its statistical system to a long-standing partnership between Statistics Canada, the citizens of Canada, its businesses, governments and other institutions. Accurate and timely statistical information could not be produced without their continued co-operation and goodwill.

Standard symbols

The following symbols are used in Statistics Canada publications:

- | | |
|----------------|--|
| .. | not available for any reference period |
| ... | not available for a specific reference period |
| ... | not applicable |
| 0 | true zero or a value rounded to zero |
| 0 ^s | value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded |
| P | preliminary |
| R | revised |
| X | suppressed to meet the confidentiality requirements of the <i>Statistics Act</i> |
| E | use with caution |
| F | too unreliable to be published |
| * | significantly different from reference category ($p < 0.05$) |

Adult criminal court statistics in Canada, 2011/2012: highlights

- In 2011/2012, about 386,500 cases involving almost 1.2 million Criminal Code and other federal statute offences were completed in Canadian adult criminal courts, representing a 6% decrease from the previous year.
- All provinces and territories reported a decrease in the number of cases completed, except Newfoundland and Labrador and Quebec. The largest declines in 2011/2012 occurred in the Northwest Territories (-17%), Prince Edward Island (-13%) and Yukon (-10%).
- In 2011/2012, there were fewer cases completed involving almost all types of offences. Cases involving impaired driving saw the largest decline in the number of cases completed, down about 7,500 from the previous year (-15%). The main exceptions were unlawfully at large cases and drug possession cases, which each increased by 2% from 2010/2011.
- Slightly more than three-quarters (76%) of cases completed in adult criminal courts in 2011/2012 involved offences that were non-violent in nature. Cases for impaired driving, theft, common assault and failure to comply with an order continued to be the most common types of cases in adult court.
- In 2011/2012, about 8 in 10 cases completed involved a male accused, a finding that held true regardless of the age group.
- Adult criminal court cases continued to involve a disproportionate number of young adults. In 2011/2012, 30% of cases involved an accused person between the age of 18 and 24 years, yet this age group represented 12% of the adult population.
- Similar to previous years, just under two-thirds (64%) of all cases completed in 2011/2012 resulted in an outcome of guilt. Guilty outcomes varied by province and territory, with Prince Edward Island reporting the highest proportion of guilty cases (78%), followed closely by Newfoundland and Labrador (77%), New Brunswick (77%) and Quebec (76%). The proportion of guilty outcomes also varied by the type of case, with those for impaired driving resulting in an outcome of guilt most frequently (83%).
- Probation continued to be the most commonly imposed sentence for adults found guilty in 2011/2012. Overall, the use of probation remained stable from 2010/2011 and was imposed in 45% of guilty cases. The median length of probation for 2011/2012 was 365 days.
- Custody was the second most frequently imposed sentence in 2011/2012, with approximately one-third (35%) of guilty cases receiving a custodial sentence. The use of custody in Prince Edward Island (67%) continued to be the highest and was almost double the national average (35%). Overall, a sentence of custody was most frequently imposed for accused persons found guilty of being unlawfully at large (85%).
- The median length of custodial sentences imposed by adult criminal courts in 2011/2012 remained consistent with previous years at 30 days.
- The median amount of time to complete a case in adult courts in 2011/2012 was 117 days, two days shorter than in 2010/2011. Although the median length of time to complete a case decreased for the third year in a row, it remained higher than a decade ago (105 days).

Adult criminal court statistics in Canada, 2011/2012

by Jillian Boyce

In Canada, the criminal court system is complex, consisting of multiple levels of court, with responsibilities shared between federal, provincial and territorial governments. Criminal courts are responsible for deciding the culpability of those accused of a criminal or federal statute offence, as well as determining an appropriate sentence should the accused plead or be found guilty (Department of Justice Canada 2005a).

This *Juristat* article uses data from the 2011/2012 Integrated Criminal Court Survey (ICCS) to report on the characteristics and trends in completed criminal court cases involving adults (18 years and older).¹ More specifically, this *Juristat* presents the number and types of cases completed in adult criminal courts at both the national and provincial/territorial levels, as well as the characteristics of those appearing in court. Furthermore, the outcomes of completed cases, the sentences imposed and the length of time taken to complete cases are examined.

The data presented in this article exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of these data. As a result, this report may underestimate the severity of sentences, as well as case elapsed times, since the more serious cases are typically completed in superior courts. In instances where an adult criminal court case involves more than one charge, the case is represented by the most serious offence.² Also, due to jurisdictional differences in the structure and operation of courts, which may impact survey results, comparisons between jurisdictions should be made with caution. Other data considerations are noted where applicable.

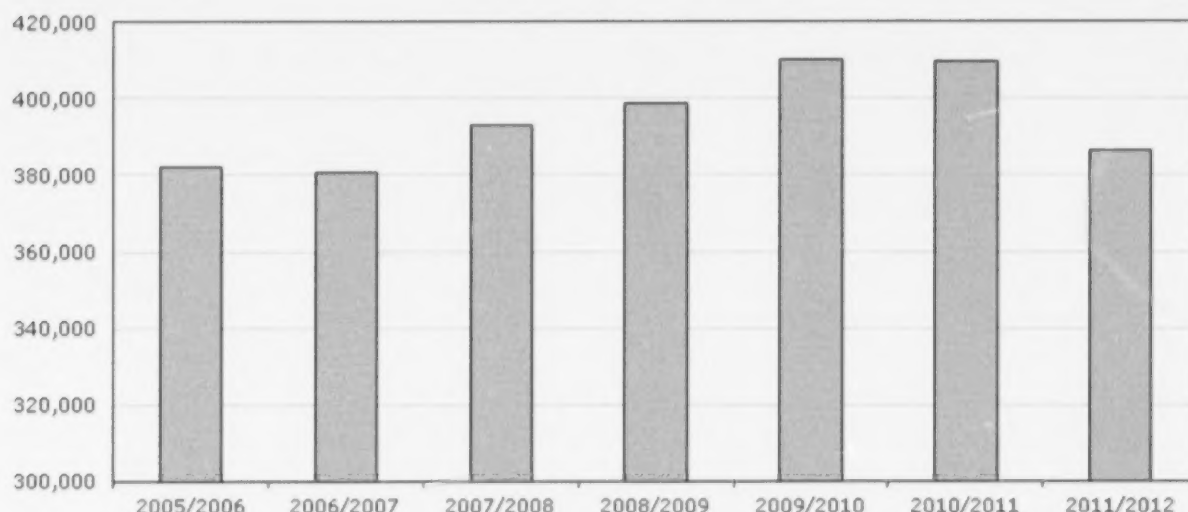
Cases completed in adult criminal court decline from previous year

Overall, just under 386,500 cases were completed in the adult criminal court system in 2011/2012, involving close to 1.2 million *Criminal Code* and other federal statute offences, such as drug-related offences (Table 1). The number of cases completed in 2011/2012 represented a 6% decrease from the previous year (Chart 1),³ and was the lowest number of cases completed in adult court since 2006/2007.

Chart 1

Cases completed in adult criminal court, Canada, 2005/2006 to 2011/2012

number of cases



Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data begin in 2005/2006 when information from all provincial and territorial courts became available. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

The decrease in cases completed was seen virtually across the country, with all provinces and territories, except Newfoundland and Labrador and Quebec, reporting a decline in 2011/2012 (Table 2). The Northwest Territories saw the greatest decrease in completed cases, down 17% from the previous year, followed by Prince Edward Island (-13%) and Yukon (-10%).⁴ Newfoundland and Labrador reported the only increase (+2%) in the number of cases completed in 2011/2012, whereas Quebec remained stable.

The decrease in cases completed also occurred for nearly all types of cases (Table 3). The largest declines in 2011/2012 were for cases involving impaired driving, with almost 7,500 fewer cases completed (-15%), as well as those that involved theft with about 3,200 fewer cases completed (-7%), and fraud with about 2,200 fewer cases completed (-15%). Among the few exceptions were unlawfully at large cases and drug possession cases, which each increased by 2% from 2010/2011.

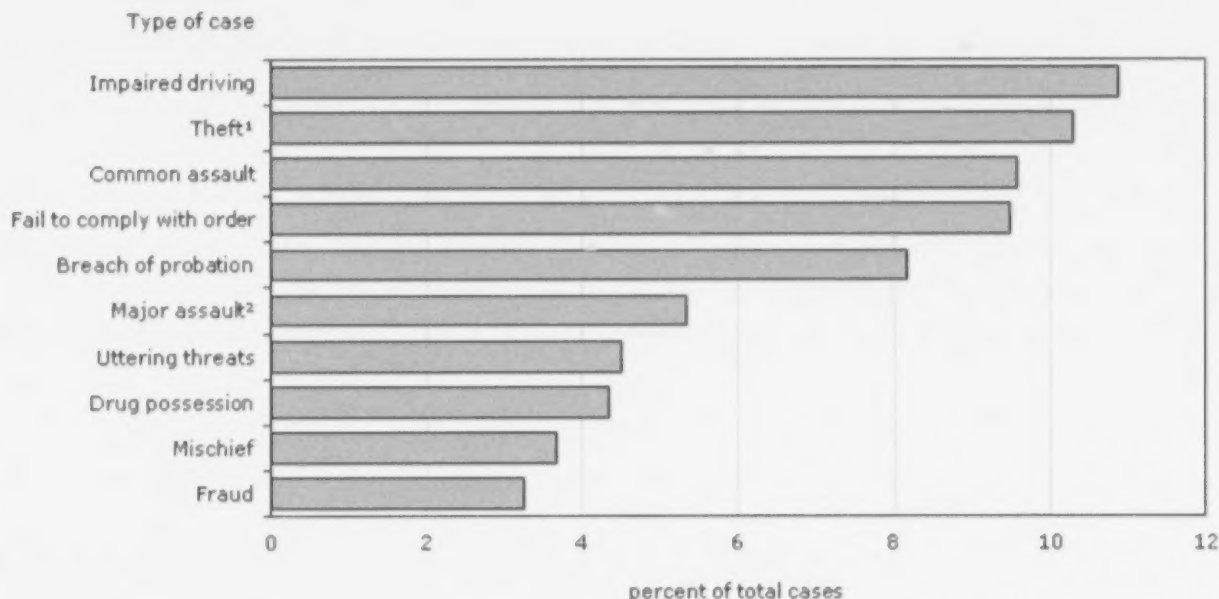
Cases completed in adult courts most commonly involve non-violent offences

Cases completed in adult criminal courts most frequently involve offences that are non-violent in nature. About three-quarters (76%) of cases completed in adult court in 2011/2012 involved property offences, administration of justice offences, traffic offences, or other *Criminal Code* or federal statute offences.

Similar to previous years, 10 offences accounted for the majority (70%) of completed cases in adult criminal courts in 2011/2012 (Chart 2). Of these 10 offences, 3 were of a violent nature – common assault, major assault and uttering threats. Overall, impaired driving was the most common offence completed in adult courts, representing 11% of completed cases in 2011/2012, followed by theft (10%), common assault (10%) and failure to comply with an order (9%).

Chart 2

Ten most common cases completed in adult criminal court, Canada, 2011/2012



1. Includes, for example, theft over \$5,000, theft \$5,000 or under, as well as motor vehicle theft.

2. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

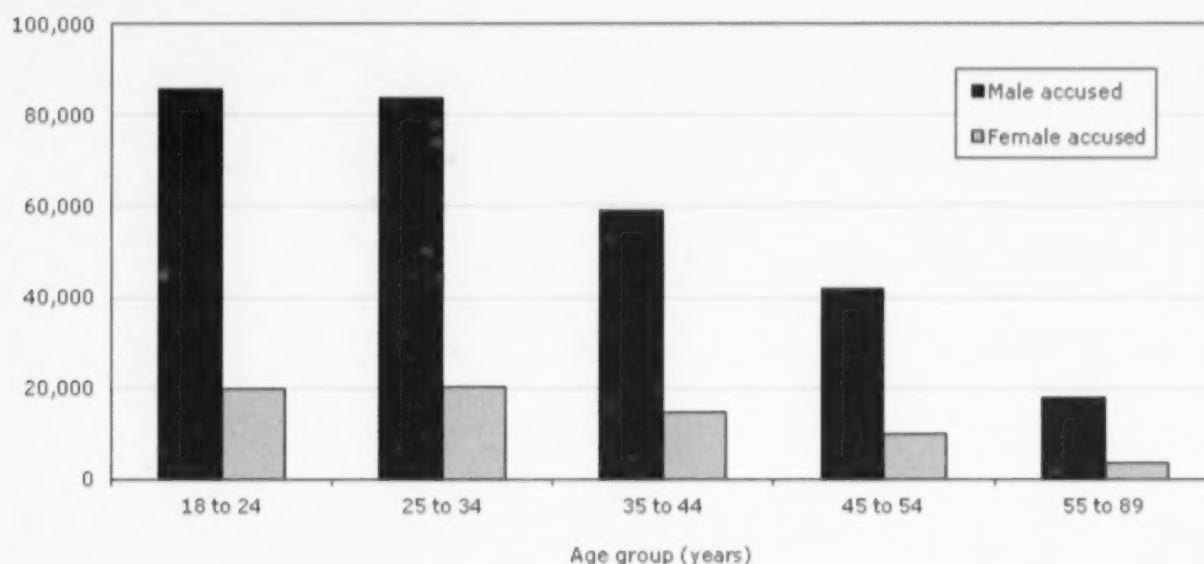
Majority of adult court cases involve males, younger adults

Mirroring trends in police-reported data (Brennan 2012), cases completed in adult criminal court most frequently involve male accused. More specifically, in 2011/2012, about 8 in 10 (81%) cases completed involved a male accused, a finding that held true regardless of the age group (Chart 3).⁵

Chart 3

Cases completed in adult criminal court, by age group and sex of the accused, Canada, 2011/2012

number of cases



Note: Includes information on accused persons aged 18 to 89 years at the time of the offence. Data exclude cases involving companies and those in which the age and/or the sex of the accused was unknown. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Males accounted for a larger proportion of accused persons among all types of cases completed, and had particularly high representation in cases involving sexual assault (98%), other sexual offences (97%) and weapon offences (91%).

About 1 in 5 (19%) cases completed in adult criminal court in 2011/2012 involved a female accused.⁶ Females were most commonly accused in cases involving property offences, in particular, theft (35%), fraud (30%) and possession of stolen property (27%). Aside from cases involving property offences, females were most frequently involved in cases for prostitution (34%) and failure to appear (23%).

Also similar to police-reported findings, adult criminal court cases involved a disproportionate number of young adults. For example, in 2011/2012, people aged 18 to 24 years were the accused in 30% of court cases, despite the fact that they represented 12% of the Canadian adult population.^{7,8} When looking at cases by specific offence, those involving robbery had the highest proportion of 18- to 24-year-olds, with half (50%) of the completed cases involving an accused person from that age group. Other cases that saw a relatively high proportion of 18- to 24-year-olds included cases involving drug possession (45%), break and enter (39%) and mischief (38%).

In contrast, people aged 55 to 89 years accounted for 6% of all cases completed in 2011/2012, yet represented 33% of the adult population.^{9,10} The relatively low proportion of accused adults aged 55 to 89 years held true across all types of cases.

Most cases completed in adult court result in a finding of guilt

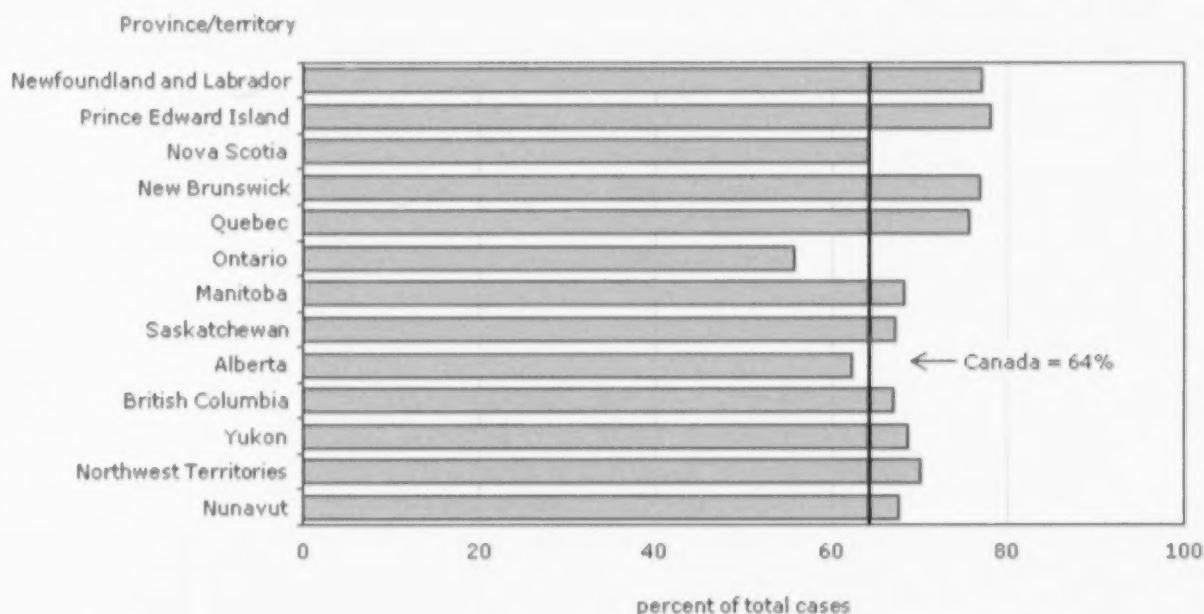
Cases completed in adult criminal court typically result in one of three outcomes. The most common outcome is a finding of guilt, in which the accused either pleads guilty or is determined by the court to be responsible for having committed or attempted to commit a criminal offence.¹¹ As well, case proceedings may be stopped or interrupted for a variety of reasons (e.g., lack of sufficient evidence or referral to an alternative measures program), which result in charges being stayed (suspended for up to one year), withdrawn, dismissed or discharged. Lastly, a case may result in an acquittal, in which the accused person is found not guilty of the charges presented before the court.¹²

In 2011/2012, just under two-thirds (64%) of completed cases resulted in a finding of guilt, a figure that has remained relatively stable over the past 10 years.¹³ The remainder of cases were either stayed, withdrawn, dismissed or discharged (32%), acquitted (3%), or resulted in some other type of decision (1%) (Table 4).¹⁴

Some variation existed among the provinces and territories in regards to case outcomes, although a finding of guilt was the most common outcome across the country (Chart 4). On the whole, guilty outcomes were generally greatest in the eastern provinces. Prince Edward Island (78%) reported the highest proportion of cases found guilty, followed closely by Newfoundland and Labrador (77%), New Brunswick (77%) and Quebec (76%). Ontario and Alberta were the only provinces to report proportions of guilty cases that were lower than the national average at 56% and 62%, respectively.

Chart 4

Guilty cases in adult criminal court, by province and territory, 2011/2012



Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Provincial and territorial variations in guilty findings may be partly influenced by differences in court practices. Pre-charge screening, for example, is a formal process whereby a Crown prosecutor, rather than police, determines whether a charge is laid. Both New Brunswick and Quebec utilize a pre-charge screening system and had some of the highest proportions of guilty findings in 2011/2012, as well as some of the

lowest proportions of cases that were stayed, withdrawn, dismissed or discharged. That said, British Columbia also utilizes a pre-charge screening system, yet reported case outcomes that were similar to the national average.

Plea negotiations or "plea bargaining" may also have an impact on the types of decisions reached in adult criminal court. In a plea negotiation, the accused person agrees to plead guilty in return for the prosecutor agreeing to take, or refrain from taking, a particular course of action (Verdun-Jones 2012). Agreements could relate to the nature of charges, the sentence or the facts that may be presented in court. The extent to which plea negotiations are utilized in Canada remains unknown.

Cases involving violent offences result in guilty findings less often than other cases

In general, cases involving violent offences resulted in a finding of guilt less often than cases involving non-violent offences. In 2011/2012, half (50%) of all violent offence cases heard in adult criminal court resulted in a finding of guilt (Table 4), a figure that has remained relatively stable over the past decade.¹⁵

Cases involving specific violent offences, however, varied in their outcome of guilt, with both other sexual offence cases and robbery cases having higher than average outcomes of guilt in 2011/2012 (69% and 63%, respectively). In contrast, cases involving attempted murder resulted in a finding of guilt less often, with 26% of such cases having a guilty outcome. The majority of cases involving attempted murder were either stayed, withdrawn, dismissed or discharged (58%).

Property offence cases represented approximately one-quarter (23%) of all cases completed in 2011/2012, and had outcomes of guilt (61%) that were similar to the national average (64%). The major exception to this finding was for cases involving possession of stolen property, which had a lower outcome of guilt at 46%.

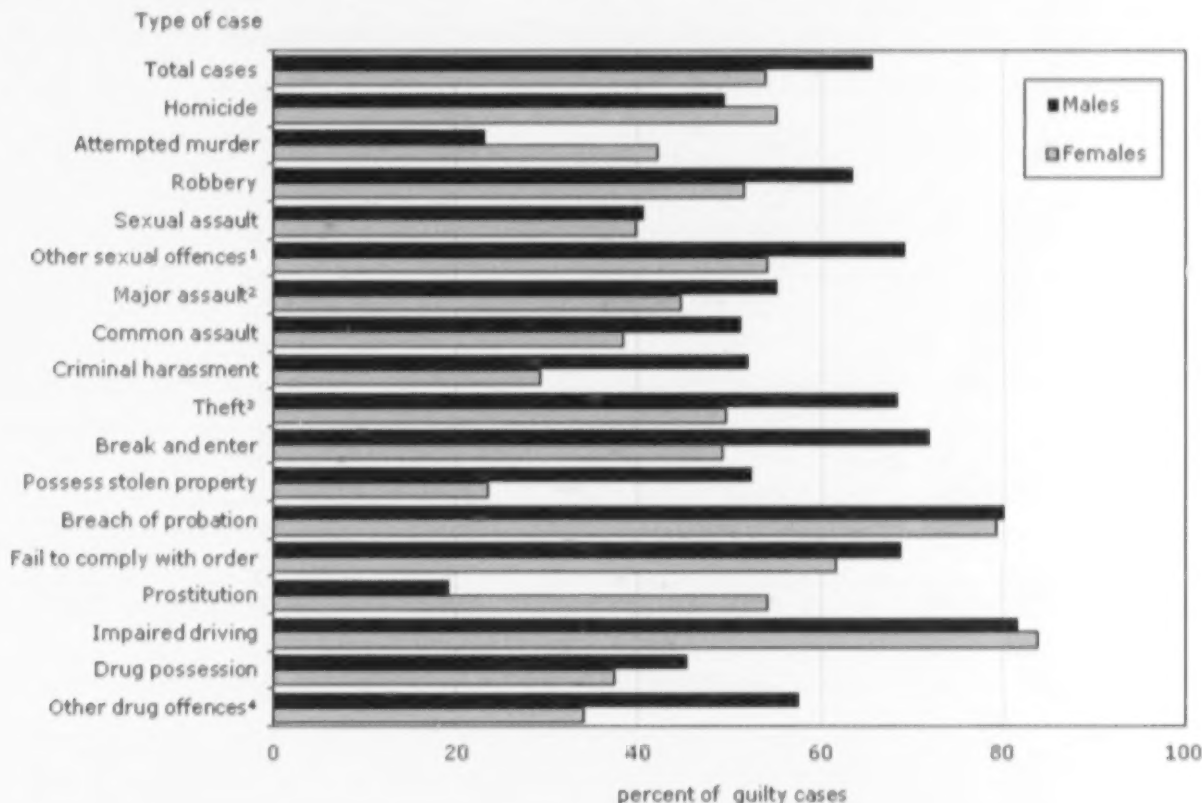
Cases involving administration of justice offences represented 22% of all cases completed in 2011/2012 and had some of the highest findings of guilt. More specifically, about 7 in 10 (72%) cases involving administration of justice offences ended in a finding of guilt in 2011/2012. Within this type of offence category, cases completed for breach of probation and being unlawfully at large had the highest proportions of guilty outcomes at 80% and 82%, respectively. However, cases involving failure to appear resulted in cases being stayed, withdrawn, dismissed or discharged (49%) as often as they were found guilty (49%).

Overall, cases for impaired driving, the most common type of case completed in adult criminal court in 2011/2012, had the greatest proportion of cases found guilty at 83%.

Case outcomes vary for males and females

In 2011/2012, 66% of cases involving male accused resulted in a guilty finding compared to 54% of those involving females (Chart 5).¹⁶ The higher proportion of guilty cases involving males held true across most types of cases, including robbery, other sexual offences, major and common assault, criminal harassment, theft, break and enter, possession of stolen property and other drug offences (namely, trafficking, importing, exporting and production).

Chart 5
Guilty cases in adult criminal court, by selected type of offence, by sex, Canada, 2011/2012



1. Includes, for example, sexual interference, invitation to sexual touching, luring a child via a computer and sexual exploitation.

2. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

3. Includes, for example, theft over \$5,000, theft \$5,000 or under, as well as motor vehicle theft.

4. Includes drug trafficking, production, importing and exporting.

Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence. Data exclude cases involving companies and those in which the sex of the accused was unknown. Data also exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Exceptions to this finding included cases involving homicide,¹⁷ attempted murder and prostitution, which had higher percentages of guilty outcomes for females than males. Cases involving sexual assault, breach of probation and impaired driving saw similar outcomes of guilt for both male and female accused.

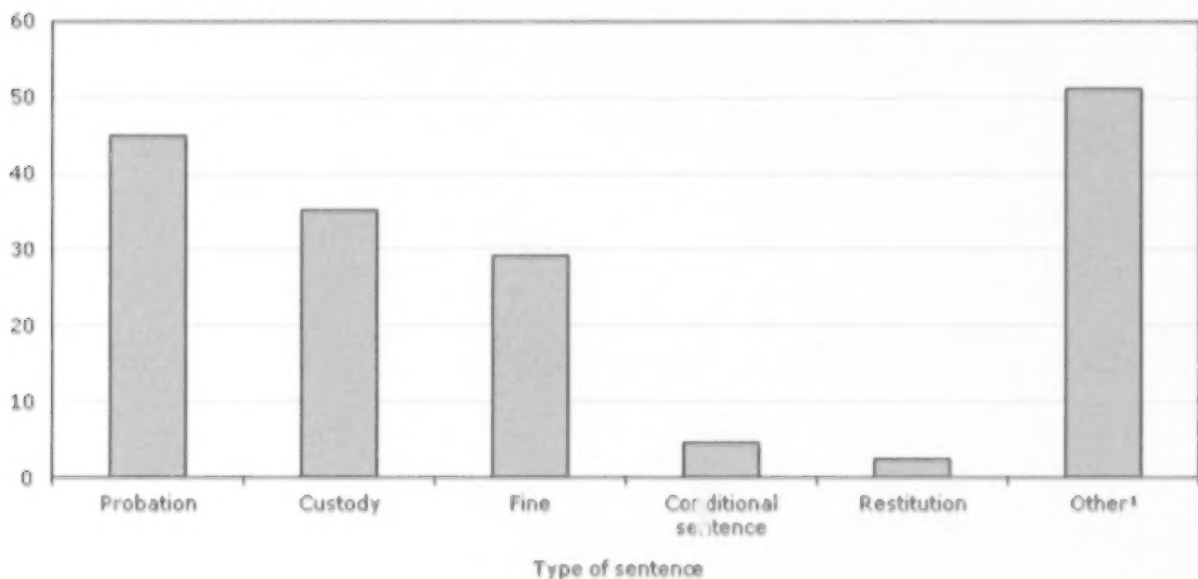
Probation most common sentence in adult court

Once an accused is found guilty, it is the responsibility of the judge to impose an appropriate sentence. When making this decision, the judge must consider a variety of factors, such as: the nature of the offence, the range of sentences possible in the *Criminal Code* or other statutes, deterring or preventing similar crimes, and the rehabilitation of the offender (Department of Justice Canada 2005b). Many cases result in a combination of sentences, for example a custodial sentence followed by a term of probation.

In general, probation, either on its own or in combination with another sentence, continued to be the most frequently imposed sentence for guilty cases in 2011/2012. Overall, the use of probation remained stable from 2010/2011 and was imposed in 45% of guilty cases (Table 5, Chart 6). A sentence of probation can be a maximum of three years (1,095 days) and requires the offender to remain in the community and to abide by a number of conditions (e.g., keep the peace, appear in court when required, or community service).¹⁸ In 2011/2012, the median length of a probation sentence was one year (365 days).

Chart 6
Guilty cases in adult criminal court, by type of sentence,
Canada, 2011/2012

percent of guilty cases



1. Includes, for example, absolute and conditional discharge, suspended sentence, community service order and prohibition order.

Note: Cases may involve more than one type of sentence, therefore, percentages do not total 100%. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Probation sentences varied by province and territory in 2011/2012. Nunavut reported the highest use of probation with about 7 in 10 (69%) guilty cases receiving this type of sentence, either on its own or in combination with another sentence. Alberta reported the lowest use of probation with 1 in 5 (20%) guilty cases receiving probation.

Fines were another relatively common sentence imposed by adult criminal courts in 2011/2012. Nationally, fines were imposed in about 3 in 10 (29%) guilty cases, with the median amount being \$800 (Table 5). Similar to the use of probation, the use of fines differed by province and territory. Fines were most frequently

used in the Northwest Territories (59%) and Alberta (44%), and were imposed least often in Nunavut (11%) and Yukon (20%).

Most custody sentences less than 6 months

A sentence of custody requires offenders to be sent to a secure facility or prison for a certain period of time. In Canada, custodial sentences can either be provincial/territorial or federal. Provincial/territorial custody is for sentences that are a maximum of two years less a day, whereas federal custody is for sentences of two years or more.

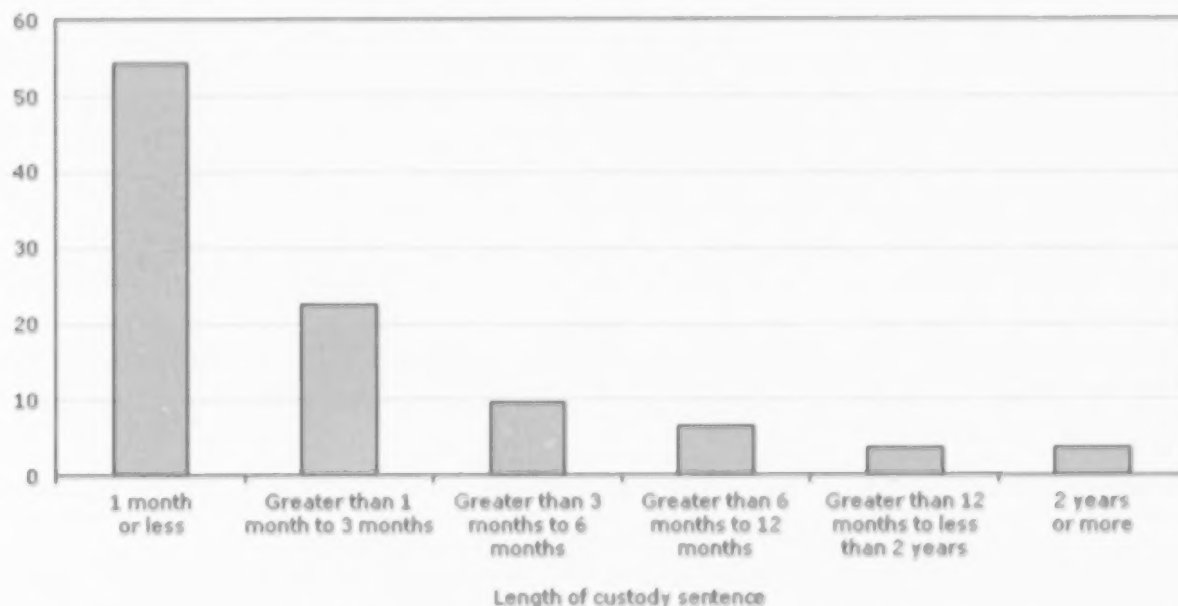
Custody was the second most commonly imposed sentence in 2011/2012 with about one-third (35%) of guilty cases resulting in a custodial sentence (Table 5), a proportion that has remained relatively stable in recent years. Cases involving an outcome of guilt for being unlawfully at large saw the greatest likelihood of a custodial sentence (85%), followed closely by homicide (83%),¹⁹ attempted murder (80%) and robbery (80%).

The majority (86%) of custody sentences in 2011/2012 were for a term of six months or less.²⁰ The remainder of cases were sentenced to a period greater than six months to two years less a day (10%) or two or more years (4%) (Chart 7).²¹

Chart 7

Guilty cases in adult criminal court, by length of custody sentence, Canada, 2011/2012

percent of cases
sentenced to custody



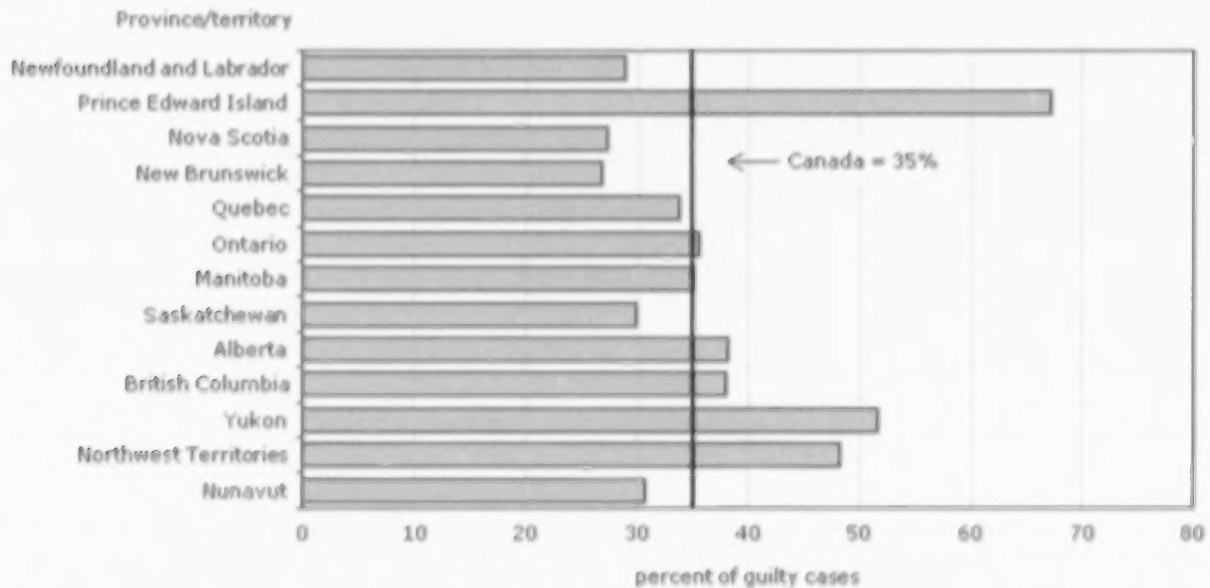
Note: Custodial sentence lengths exclude time spent in custody prior to sentencing and/or the amount of credit awarded for time spent in pre-sentence custody. Excludes cases in which the length of the custody sentence was unknown. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Custody imposed most often in Prince Edward Island

Similar to other types of sentences, the use of custody varied by province and territory. Prince Edward Island continued to report the most frequent use of custodial sentences, with custody being imposed in slightly more than two-thirds (67%) of guilty cases for 2011/2012. The use of custody in Prince Edward Island was close to double the national average (35%) and was more than double that of Newfoundland and Labrador (29%), Nova Scotia (27%), New Brunswick (27%), Saskatchewan (30%) and Nunavut (31%) where custody sentences were imposed least often (Chart 8).

Chart 8
Guilty cases in adult criminal court sentenced to custody, by province and territory, 2011/2012

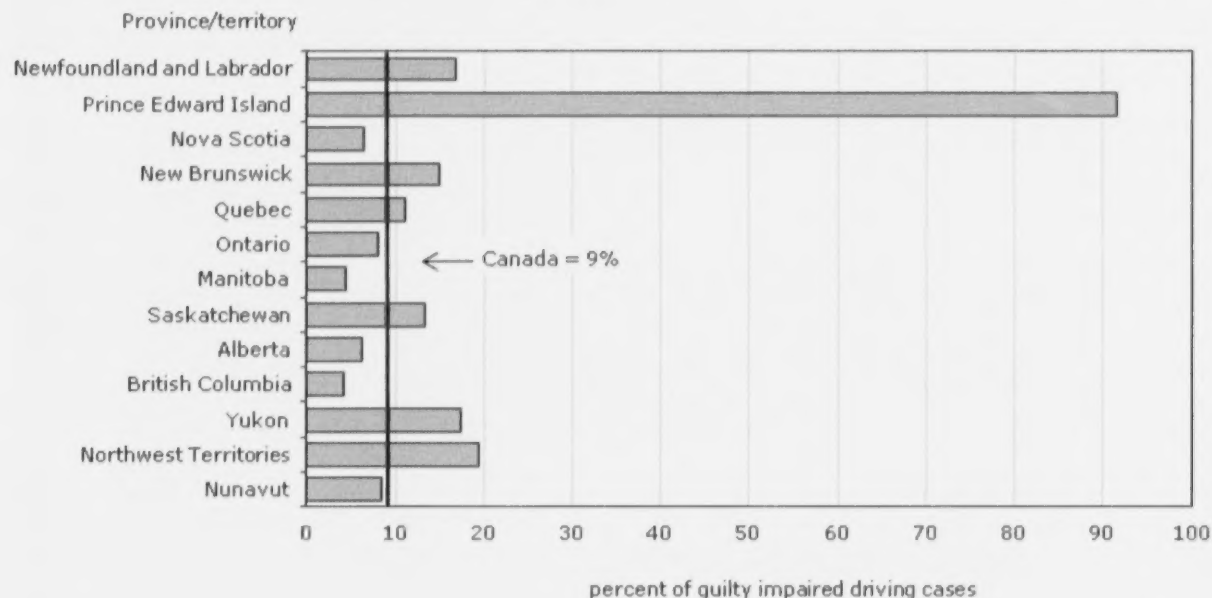


Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

The higher proportion of custodial sentences in Prince Edward Island can be partly explained by cases completed for impaired driving. Not only did impaired driving cases represent a higher proportion of guilty cases in Prince Edward Island than at the national level (29% versus 14%), but cases involving impaired driving were far more likely to receive a custodial sentence in Prince Edward Island than Canada as a whole (91% versus 9% for Canada) (Chart 9). In all other provinces and territories, fines were most frequently imposed for guilty cases of impaired driving. Nationally, the proportion of fines for guilty cases of impaired driving was 88%.²²

Chart 9
Impaired driving cases sentenced to custody in adult criminal court, by province and territory, 2011/2012



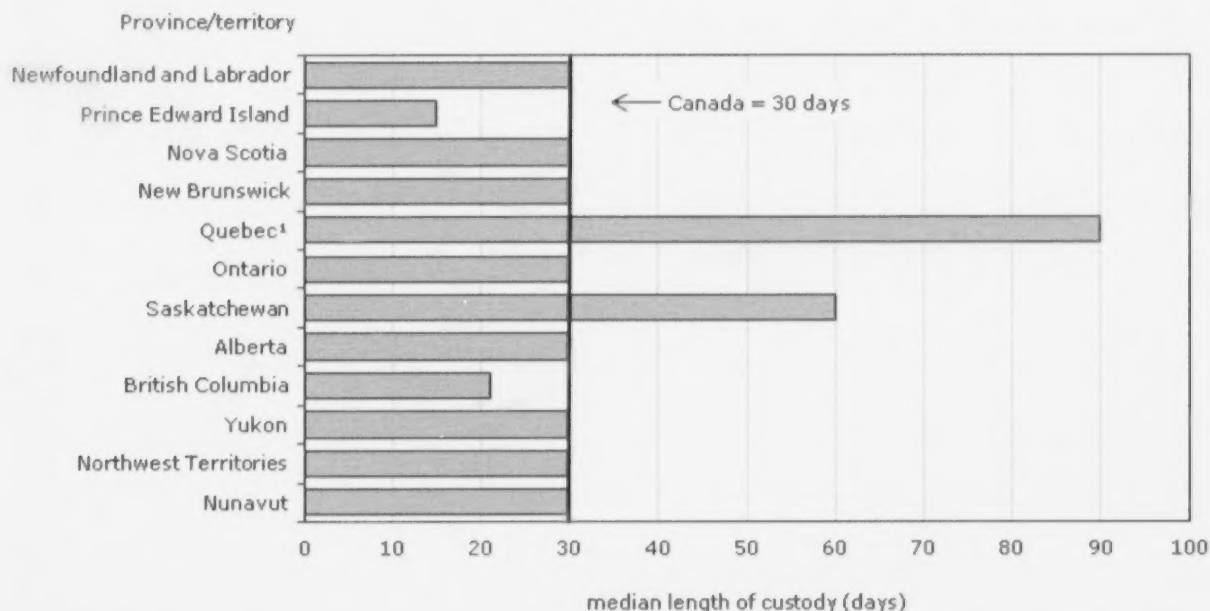
Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Prince Edward Island also reported higher than average proportions of custody for other types of guilty cases. Although the number of cases completed in Prince Edward Island was relatively small compared to other provinces and territories, in 2011/2012, adult criminal courts in Prince Edward Island imposed a custodial sentence 100% of the time for guilty cases involving sexual assault, major assault and being unlawfully at large. Guilty cases for other drug offences also had a higher proportion of cases sentenced to custody in Prince Edward Island (94%) than Canada as a whole (40%).

While custody sentences are more often imposed in Prince Edward Island than in other provinces and territories, the length of custody sentences are generally short. As in previous years, the median sentence length in Prince Edward Island was the shortest in the country, at 15 days – half the median length of custody for Canada as a whole (30 days) (Chart 10).

Chart 10
Median length of custody for guilty cases in adult criminal court,
by province and territory, 2011/2012



1. The median length of custody in Quebec may be over-estimated given that data from municipal courts, which tend to handle the least serious matters, are unavailable from this province.

Note: The median represents the midpoint, where exactly half the custody sentences are above and half are below. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude cases in which the length of the custody sentence was unknown or indeterminate. Data exclude information from Manitoba, superior courts in Prince Edward Island, Quebec, Ontario, and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

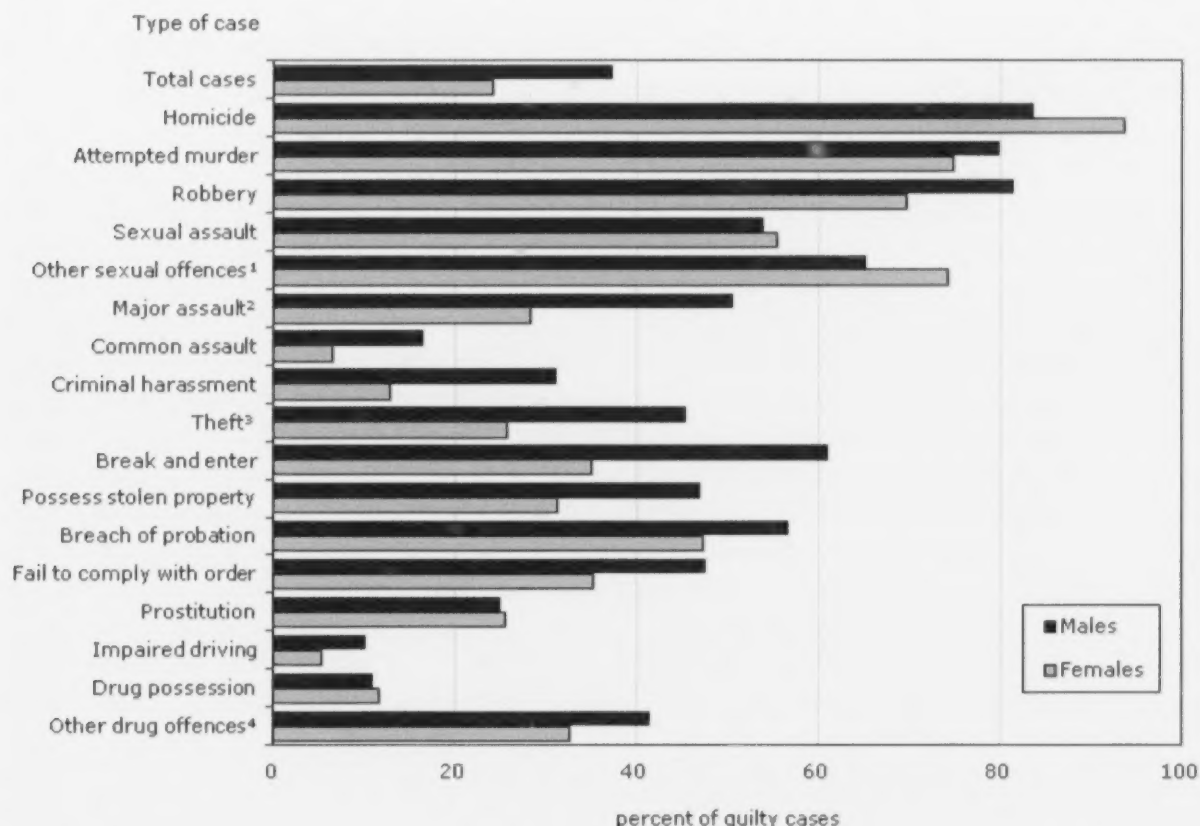
Males sentenced to custody more frequently than females

The use of custody sentences was also found to differ for males and females. When looking at overall sentences by sex of the offender, custodial sentences were imposed in 37% of cases for male offenders versus 24% for female offenders.²³ Some of the most notable differences were among guilty cases involving major assault, theft and break and enter (Chart 11).

There were some types of cases, such as those involving homicide²⁴ and other sexual offences, where the proportion of females sentenced to custody was higher than the proportion of males. For cases involving sexual assault, prostitution and drug possession, the proportion of sentences to custody was about equal for both males and females.

Chart 11

Guilty cases in adult criminal court sentenced to custody, by selected offence, by sex, Canada, 2011/2012



1. Includes, for example, sexual interference, invitation to sexual touching, luring a child via a computer and sexual exploitation.

2. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

3. Includes, for example, theft over \$5,000, theft \$5,000 or under, as well as motor vehicle theft.

4. Includes drug trafficking, production, importing and exporting.

Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence. Data exclude cases involving companies and those in which the sex of the accused was unknown. Data also exclude cases for information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

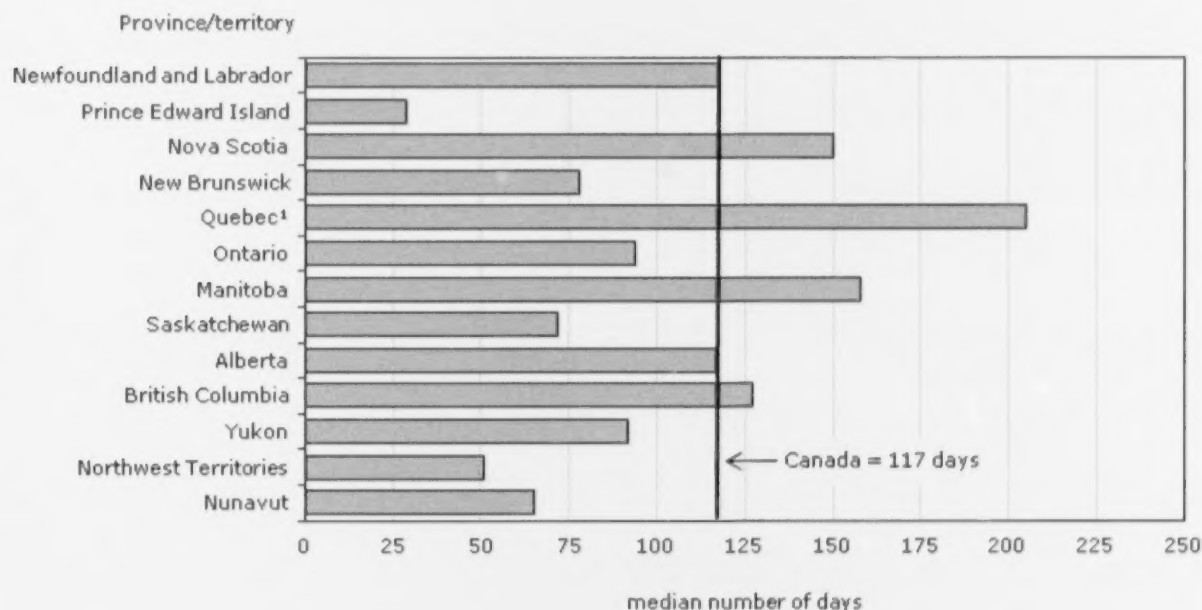
Time taken to complete adult criminal court cases declines for third year in a row

Not only does the ICCS collect information on the number and types of cases completed in adult criminal courts, it also records the length of time taken to complete each case. In Canada, it is a fundamental right to be brought to trial in a timely manner.²⁵ Although there is not a prescribed time limit in which a criminal court case must be completed, it is generally expected that cases conclude within an 8- to 10-month period.²⁶

The median amount of time taken to complete an adult criminal court case continued to decline in 2011/2012, down 2 days from the previous year to 117 days (approximately 4 months) (Table 3). Although this represented the third consecutive annual decline, the median length of time to complete an adult criminal court case remained higher than 10 years ago (105 days in 2001/2002).²⁷

As with other aspects of adult criminal courts, considerable variation exists among the provinces and territories regarding the median amount of time taken to complete a case. Consistent with the past 10 years,²⁸ Prince Edward Island continued to report the shortest median length of time for case completion in 2011/2012 at 29 days, approximately four times shorter than the national median length (117 days) (Table 2, Chart 12).

Chart 12
Median length of cases completed in adult criminal court, by province and territory, 2011/2012



1. The median length of case completion in Quebec may be over-estimated given that data from municipal courts, which tend to handle the least serious matters, are unavailable.

Note: The median represents the mid-point of the number of days taken to complete a case, from the first to last court appearance. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Variations in case completion time also existed depending on the type of case. Homicide cases²⁹ had the longest median length at 386 days, followed by cases involving sexual assault (308 days) and other sexual offences (274 days). In 2011/2012, attempted murder cases saw the greatest decline in median length of case completion, down 44 days from the previous year (259 days in 2011/2012 versus 303 days in 2010/2011). Cases that involved two or more charges also continued to be lengthier than cases that involved one charge (147 days and 81 days, respectively).

Summary

The number of cases completed in adult criminal court in 2011/2012 declined 6% from the previous year. The decrease in completed cases was seen across almost all provinces and territories, and across almost all types of cases. Cases involving non-violent offences continued to be most common in adult criminal courts, representing about three-quarters (76%) of the completed caseload. As in previous years, cases involving impaired driving, theft, common assault and failure to comply with an order were most common.

The outcome of cases has remained relatively stable over the past decade, with approximately two-thirds (64%) of all cases ending in a finding of guilt in 2011/2012. Probation continued to be the most common sentence imposed for guilty cases (45%), followed by custodial sentences (35%) and fines (29%). The types of sentences, particularly custody, differed by province or territory, type of offence and sex of the accused person. The median length of time taken to complete a case in adult court declined for the third year in a row (117 days), but remained higher than it was a decade ago.

Survey description

The Integrated Criminal Court Survey (ICCS) is administered by the Canadian Centre for Justice Statistics (Statistics Canada) in collaboration with provincial and territorial government departments responsible for criminal courts in Canada. The survey collects statistical information on adult and youth court cases involving *Criminal Code* and other federal statute offences. Data contained in this article represent the adult criminal court portion of the survey, namely, individuals who were 18 years of age or older at the time of the offence.

The primary unit of analysis is a case. A case is defined as one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. A case combines all charges against the same person having one or more key overlapping dates (date of offence, date of initiation, date of first appearance, date of decision, or date of sentencing) into a single case.

A case that has more than one charge is represented by the charge with the "most serious offence" (MSO). The most serious offence is selected using the following rules. First, court decisions are considered and the charge with the "most serious decision" (MSD) is selected. Court decisions for each charge in a case are ranked from most to least serious as follows: (1) guilty, (2) guilty of a lesser offence, (3) acquitted, (4) stay of proceeding, (5) withdrawn, dismissed or discharged, (6) not criminally responsible, (7) other, and (8) transfer of court jurisdiction.

Second, in cases where two or more charges result in the same MSD (e.g., guilty), *Criminal Code* sentences are considered. The charge with the most serious offence type is selected according to an offence seriousness scale, based on actual sentences handed down by courts in Canada.³⁰ Each offence type is ranked by looking at (1) the proportion of guilty charges where custody was imposed and (2) the average (mean) length of custody for the specific type of offence. These values are multiplied together to arrive at the final seriousness ranking for each type of offence. If, after looking at the offence seriousness scale, two or more charges remain tied then information about the sentence type and duration of the sentence are considered (e.g., custody and length of custody, then probation and length of probation, etc.).

In 2011/2012, ICCS coverage reflects all cases completed in adult Canadian criminal courts with the exception of superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec. Information could not be extracted from these electronic reporting systems and was therefore unavailable.

The absence of data from superior courts in these five jurisdictions may have resulted in an underestimation of the severity of sentences since some of the most serious cases, which are likely to result in the most severe sentences, are processed in superior courts. There may also be an underestimation of case elapsed times as more serious cases generally require more court appearances and take more time to complete.

Cases are counted according to the fiscal year in which they are completed. Each year, the ICCS database is "frozen" at the end of March for the production of court statistics pertaining to the preceding fiscal year. However, these counts do not include cases that were pending an outcome at the end of the reference period. If a pending outcome is reached in the next fiscal year, then these cases are included in the completed case counts for that fiscal year. However, if a one-year period of inactivity elapses, then these

cases are deemed complete and the originally published counts for the previous fiscal year are subsequently updated and reported in the next year's release of the data. For example, upon the release of 2011/2012 data, the 2010/2011 data are updated with revisions for cases that were originally pending an outcome in 2010/2011 but have since been deemed complete due to a one-year period of inactivity. Data are revised once and are then permanently "frozen". Historically, updates to a previous year's numbers have resulted in an increase of about 2%.

Lastly, there are many factors that influence variations between jurisdictions. These may include Crown and police charging practices, the number, types and severity of offences, and various forms of diversion programs. Therefore, any comparisons between jurisdictions should be interpreted with caution.

References

- Brennan, Shannon. 2012. "Police-reported crime statistics in Canada, 2011." *Juristat*. Statistics Canada Catalogue no. 85-002-X. (accessed January 18, 2013).
- Dauvergne, Mia. 2013. "Youth court statistics in Canada, 2011/2012." *Juristat*. Statistics Canada Catalogue no. 85-002-X.
- Department of Justice Canada. 2005a. *Canada's Court System*. Catalogue no. J2-128/2005. (accessed February 25, 2013).
- Department of Justice Canada. 2005b. *Canada's System of Justice*. Catalogue no. J2-23/2005. (accessed January 14, 2013).
- Perreault, Samuel. 2013. "Impaired driving in Canada, 2011." *Juristat*. Statistics Canada Catalogue no. 85-002-X. (accessed January 22, 2013).
- Verdun-Jones, Simon. 2012. "Plea bargaining." *Criminal Justice in Canada*. 4th edition. Julian V. Roberts and Michelle G. Grossman (eds). Nelson Education Ltd. Toronto, Ontario.

Notes

1. For information on youth court statistics in Canada, see Dauvergne 2013.
2. For further information, see the Survey description section.
3. It is expected that updates processed at a later date will result in an additional 2% in the number of cases for 2011/2012. See the Survey description for more information.
4. In general, jurisdictions with smaller completed case counts tend to see more fluctuation in year-over-year percentage changes.
5. Exclude cases involving companies and those in which the sex and/or age of the accused was unknown.
6. Exclude cases involving companies and those in which the sex of the accused was unknown.
7. Populations are calculated on a calendar year basis, whereas ICCS data are based on a fiscal calendar year. As a result, 2011 population data were used since the majority of ICCS data falls within this year.
8. Exclude cases involving companies and those in which the age of the accused was unknown.
9. See Note 7.
10. See Note 8.
11. Guilty findings include guilty of the offence, of an included offence, of an attempt of the offence, or of an attempt of an included offence. Also includes cases where an absolute or conditional discharge has been imposed.

12. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably, resulting in an under-count of the number of acquittals in the province. In other provinces, the number of acquittals may be over-counted due to administrative practices.
13. The comparison of data is based upon information from the following 10 jurisdictions that consistently reported data over the past 10 years: Newfoundland and Labrador, Prince Edward Island, New Brunswick, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, British Columbia and Yukon.
14. 'Other types of decisions' could include the accused being found not criminally responsible or unfit to stand trial.
15. See Note 13.
16. See Note 6.
17. First and second degree murder cases are under the exclusive jurisdiction of superior courts. As such, information on these types of cases is missing from Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan where superior court data are unavailable.
18. See *Criminal Code*, R.S.C. 1985, c. C-46, s. 732.1, s. 732.2.
19. See Note 17.
20. Custodial sentence lengths exclude time spent in custody prior to sentencing and/or the amount of credit awarded for time spent in pre-sentence custody.
21. Excludes cases in which the length of custody was unknown.
22. For further information on Impaired Driving in Canada, see Perreault 2013.
23. See Note 6.
24. See Note 17.
25. See *Constitution Act*, 1982. Part 1. *The Charter of Rights and Freedoms*, s. 11.
26. See *R. v. Askov* [1990], 2 S.C.R. 1199.
27. See Note 13.
28. See Note 13.
29. See Note 17.
30. The offence seriousness scale is calculated using data from both the adult and youth components of the Integrated Criminal Court Survey from 2002/2003 to 2006/2007.

Detailed data tables

Table 1

Charges and cases completed in adult criminal court, Canada, 2005/2006 to 2011/2012

Year	Charges ¹		Cases ²	
	number	percent	number	percent
2005/2006	1,094,431	..	382,322	..
2006/2007	1,109,587	1.4	380,537	-0.5
2007/2008	1,151,509	3.8	393,193	3.3
2008/2009	1,187,324	3.1	398,697	1.4
2009/2010	1,224,191	3.1	410,051	2.8
2010/2011	1,224,787	0.0	409,957	0.0
2011/2012	1,160,307	-5.3	386,451	-5.7

.. not available for a specific reference period

1. A charge refers to a formal accusation against an accused person or company involving a federal statute offence that has been processed by the courts and received a final decision.

2. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision.

Note: Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Table 2

Cases completed in adult criminal court, by province and territory, 2010/2011 and 2011/2012

Province and territory	2010/2011		2011/2012		Percent change in number of cases 2010/2011 to 2011/2012 (%)	Difference in median length of cases 2010/2011 to 2011/2012 (days)
	number	Median length of case (days) ¹	number	Median length of case (days) ¹		
Newfoundland and Labrador	5,782	129	5,924	118	2.5	-11
Prince Edward Island	1,534	29	1,340	29	-12.6	0
Nova Scotia	13,267	141	12,356	150	-6.9	9
New Brunswick	8,454	75	8,159	78	-3.5	3
Quebec	67,759	190	68,026	205	0.4	15
Ontario ²	161,355	106	149,848	94	-7.1	-12
Manitoba	19,108	141	18,320	158	-4.1	17
Saskatchewan	25,158	77	23,036	72	-8.4	-5
Alberta	57,830	122	53,763	117	-7.0	-5
British Columbia	44,564	113	41,039	127	-7.9	14
Yukon	1,093	106	988	92	-9.6	-14
Northwest Territories	2,091	52	1,736	51	-17.0	-1
Nunavut	1,962	79	1,916	65	-2.3	-14
Canada	409,957	119	386,451	117	-5.7	-2

1. Refers to the mid-point in the number of days taken to complete a case, from first to last court appearance.

2. The number of completed cases in Ontario in 2010/2011 includes administrative withdrawals carried out by Crown Prosecutors for cases that had old unresolved charges.

Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Table 3

Cases completed in adult criminal court, by type of offence, Canada, 2010/2011 and 2011/2012

Type of offence ¹	2010/2011		2011/2012		Percent change in number of cases 2010/2011 to 2011/2012 (%)	Difference in median length of cases 2010/2011 to 2011/2012 (days)
	number ²	Median length of case (days) ³	number ²	Median length of case (days) ³		
Violent offences	94,720	158	91,697	161	-3.2	3
Homicide	296	384	263	386	-11.1	2
Attempted murder	156	303	153	259	-1.9	-44
Robbery	4,223	208	3,804	206	-9.9	-2
Sexual assault	4,087	300	3,949	308	-3.4	8
Other sexual offences ⁴	2,338	267	2,252	274	-3.7	7
Major assault ⁵	21,251	183	20,607	189	-3.0	6
Common assault	37,990	127	37,063	127	-2.4	0
Uttering threats	17,925	145	17,427	150	-2.8	5
Criminal harassment	3,284	146	3,242	156	-1.3	10
Other violent offences	3,170	196	2,937	205	-7.4	9
Property offences	97,914	102	89,869	99	-8.2	-3
Theft ⁶	43,040	75	39,816	70	-7.5	-5
Break and enter	11,497	148	10,672	157	-7.2	9
Fraud	14,718	155	12,534	163	-14.8	8
Mischief	14,832	108	14,193	99	-4.3	-9
Possess stolen property	12,014	100	11,061	93	-7.9	-7
Other property offences	1,813	141	1,593	161	-12.1	20
Administration of justice offences	85,947	70	83,987	70	-2.3	0
Fail to appear	5,112	75	4,556	84	-10.9	9
Breach of probation	31,554	57	31,574	57	0.1	0
Unlawfully at large	2,563	18	2,615	23	2.0	5
Fail to comply with order	37,781	77	36,665	75	-3.0	-2
Other admin. of justice offences	8,937	116	8,577	118	-4.0	2
Other Criminal Code offences	18,999	146	16,556	156	-12.9	10

See notes at the end of the table.

Table 3

Cases completed in adult criminal court, by type of offence, Canada, 2010/2011 and 2011/2012 (continued)

Type of offence ¹	2010/2011		2011/2012		Percent change in number of cases 2010/2011 to 2011/2012 (%)	Difference in median length of cases 2010/2011 to 2011/2012 (days)
	number ²	Median length of case (days) ³	number ²	Median length of case (days) ³		
Weapon offences	9,984	164	9,463	168	-5.2	4
Prostitution	1,584	96	1,030	106	-35.0	10
Disturbing the peace	1,786	64	1,406	62	-21.3	-2
Residual Criminal Code offences	5,645	170	4,657	187	-17.5	17
Total Criminal Code (excl. traffic)	297,580	113	282,109	113	-5.2	0
Criminal Code traffic offences	61,185	149	53,022	133	-13.3	-16
Impaired driving	49,520	145	42,053	117	-15.1	-28
Other Criminal Code traffic offences	11,665	162	10,969	165	-6.0	3
Total Criminal Code offences	358,765	117	335,131	114	-6.6	-3
Other federal statute offences	51,192	127	51,320	133	0.3	6
Drug possession	16,498	85	16,787	80	1.8	-5
Other drug offences	12,875	233	12,243	246	-4.9	13
Youth Criminal Justice Act	1,478	59	1,353	52	-8.5	-7
Residual federal statute offences	20,341	131	20,937	153	2.9	22
Total	409,957	119	386,451	117	-5.7	-2

1. Cases that involve more than one charge are represented by the most serious offence.

2. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision.

3. Refers to the mid-point in the number of days taken to complete a case, from first to last court appearance.

4. Includes, for example, sexual interference, invitation to sexual touching, child pornography, luring a child via a computer and sexual exploitation.

5. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

6. Includes, for example, theft over \$5,000, theft \$5,000 or under, as well as motor vehicle theft.

7. Includes drug trafficking, production, importing and exporting.

Note: Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Table 4
Cases completed in adult criminal court, by type of offence and decision, Canada, 2011/2012

Type of offence ¹	Guilty ²		Stayed/withdrawn ³		Acquitted		Other ⁴		Total cases	
	#	%	#	%	#	%	#	%	#	%
Violent offences	46,255	50	37,653	41	6,401	7	1,388	2	91,697	100
Homicide	132	50	117	44	5	2	9	3	263	100
Attempted murder	40	26	89	58	5	3	19	12	153	100
Robbery	2,391	63	1,250	33	117	3	46	1	3,804	100
Sexual assault	1,610	41	1,867	47	400	10	72	2	3,949	100
Other sexual offences ⁵	1,551	69	556	25	111	5	34	2	2,252	100
Major assault ⁶	10,986	53	7,843	38	1,497	7	281	1	20,607	100
Common assault	17,791	48	16,938	46	1,900	5	434	1	37,063	100
Uttering threats	8,948	51	6,353	36	1,801	10	325	2	17,427	100
Criminal harassment	1,609	50	1,270	39	279	9	84	3	3,242	100
Other violent offences	1,197	41	1,370	47	286	10	84	3	2,937	100
Property offences	54,561	61	32,948	37	1,457	2	903	1	89,869	100
Theft ⁷	24,918	63	14,237	36	344	1	317	1	39,816	100
Break and enter	7,477	70	2,644	25	404	4	147	1	10,672	100
Fraud	8,101	65	4,083	33	152	1	198	2	12,534	100
Mischief	7,857	55	5,874	41	325	2	137	1	14,193	100
Possess stolen property	5,047	46	5,732	52	200	2	82	1	11,061	100
Other property offences	1,161	73	378	24	32	2	22	1	1,593	100
Administration of justice offences	60,723	72	20,773	25	1,482	2	1,009	1	83,987	100
Fail to appear	2,243	49	2,221	49	26	1	66	1	4,556	100
Breach of probation	25,353	80	5,394	17	518	2	309	1	31,574	100
Unlawfully at large	2,144	82	398	15	47	2	26	1	2,615	100
Fail to comply with order	24,887	68	10,546	29	723	2	509	1	36,665	100
Other admin. of justice offences	6,096	71	2,214	26	168	2	99	1	8,577	100
Other Criminal Code offences	9,866	60	5,943	36	571	3	176	1	16,556	100
Weapon offences	5,901	62	3,127	33	354	4	81	1	9,463	100
Prostitution	313	30	698	68	16	2	3	0	1,030	100
Disturbing the peace	868	62	522	37	8	1	8	1	1,406	100
Residual Criminal Code offences	2,784	60	1,596	34	193	4	84	2	4,657	100
Total Criminal Code (excl. traffic)	171,405	61	97,317	34	9,911	4	3,476	1	282,109	100
Criminal Code traffic offences	43,420	82	7,793	15	1,434	3	375	1	53,022	100

See notes at the end of the table.

Table 4

Cases completed in adult criminal court, by type of offence and decision, Canada, 2011/2012 (continued)

Type of offence ¹	Guilty ²		Stayed/withdrawn ³		Acquitted		Other ⁴		Total cases	
	#	%	#	%	#	%	#	%	#	%
Impaired driving	34,780	83	5,809	14	1,205	3	259	1	42,053	100
Other Criminal Code traffic offences	8,640	79	1,984	18	229	2	116	1	10,969	100
Total Criminal Code offences	214,825	64	105,110	31	11,345	3	3,851	1	335,131	100
Other federal statute offences	32,159	63	17,220	34	1,319	3	622	1	51,320	100
Drug possession	7,582	45	9,100	54	41	0	64	0	16,787	100
Other drug offences ⁵	6,478	53	5,545	45	137	1	83	1	12,243	100
Youth Criminal Justice Act	979	72	363	27	2	0	9	1	1,353	100
Residual federal statute offences	17,120	82	2,212	11	1,139	5	466	2	20,937	100
Total	246,984	64	122,330	32	12,664	3	4,473	1	386,451	100

1. Cases that involve more than one charge are represented by the most serious offence.

2. Guilty findings include guilty of the offence, of an included offence, of an attempt of the offence, or of an attempt of an included offence. Also includes cases where an absolute or conditional discharge has been imposed.

3. Includes stays, withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs.

4. Includes final decisions of found not criminally responsible and waived out of province or territory. Also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases that raise Charter arguments and cases where the accused was found unfit to stand trial.

5. Includes, for example, sexual interference, invitation to sexual touching, child pornography, luring a child via a computer and sexual exploitation.

6. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

7. Includes, for example, theft over \$5,000, theft \$5,000 or under, as well as motor vehicle theft.

8. Includes drug trafficking, production, importing and exporting.

Note: A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

Table 5

Guilty cases in adult criminal court, by type of offence and select sentence, Canada, 2011/2012

Type of offence ¹	Total guilty cases	Custody			Probation			Fine		
		#	%	Median length (days) ²	#	%	Median length (days) ³	#	%	Median amount (\$) ⁴
Violent offences	46,255	15,677	34	75	34,796	75	365	3,083	7	400
Homicide	132	109	83	1,825	14	11	730	6	5	1,100
Attempted murder	40	32	80	1,733	8	20	730	0	0	...
Robbery	2,391	1,917	80	440	1,233	52	730	16	1	375
Sexual assault	1,610	873	54	360	1,059	66	730	39	2	500
Other sexual offences ⁵	1,551	1,008	65	150	1,147	74	730	58	4	500
Major assault ⁶	10,986	5,076	46	90	7,677	70	365	662	6	500
Common assault	17,791	2,626	15	30	14,276	80	365	1,411	8	400
Uttering threats	8,948	2,987	33	30	7,058	79	365	767	9	300
Criminal harassment	1,609	483	30	45	1,446	90	545	65	4	400
Other violent offences	1,197	566	47	154	878	73	540	59	5	300
Property offences	54,561	21,605	40	45	32,572	60	365	7,226	13	250
Theft ⁷	24,918	9,896	40	30	13,492	54	365	4,275	17	250
Break and enter	7,477	4,412	59	161	4,946	66	540	213	3	500
Fraud	8,101	2,804	35	60	5,294	65	365	806	10	300
Mischief	7,857	1,555	20	17	5,545	71	365	1,095	14	300
Possess stolen property	5,047	2,258	45	45	2,583	51	365	780	15	400
Other property offences	1,161	680	59	82	712	61	540	57	5	250
Administration of justice offences	60,723	29,904	49	15	20,449	34	365	13,420	22	250
Fail to appear	2,243	889	40	8	587	26	365	731	33	200
Breach of probation	25,353	14,092	56	20	9,394	37	365	4,713	19	250
Unlawfully at large	2,144	1,833	85	20	450	21	365	118	6	300
Fail to comply with order	24,887	11,109	45	10	7,496	30	365	6,175	25	200
Other admin. of justice offences	6,096	1,981	32	18	2,522	41	365	1,683	28	300
Other Criminal Code offences	9,866	3,886	39	90	5,307	54	365	1,854	19	250

See notes at the end of the table.

Table 5

Guilty cases in adult criminal court, by type of offence and select sentence, Canada, 2011/2012 (continued)

Type of offence ¹	Total guilty cases	Custody			Probation			Fine		
		#	%	Median length (days) ²	#	%	Median length (days) ³	#	%	Median amount (\$) ⁴
Weapon offences	5,901	2,292	39	69	3,076	52	365	1,132	19	250
Prostitution	313	79	25	30	175	56	365	81	26	250
Disturbing the peace	868	160	18	10	391	45	365	278	32	250
Residual <i>Criminal Code</i> offences	2,784	1,355	49	124	1,665	60	540	363	13	300
Total Criminal Code (excl. traffic)	171,405	71,072	41	30	93,124	54	365	25,583	15	250
Criminal Code traffic offences	43,420	7,313	17	34	6,801	16	365	33,670	78	1,100
Impaired driving	34,780	3,235	9	30	3,752	11	365	30,633	88	1,200
Other <i>Criminal Code</i> traffic offences	8,640	4,078	47	45	3,049	35	365	3,037	35	900
Total Criminal Code offences	214,825	78,385	36	30	99,925	47	365	59,253	28	1,000
Other federal statute offences	32,159	8,276	26	90	10,960	34	365	12,951	40	300
Drug possession	7,582	828	11	9	2,588	34	365	3,726	49	300
Other drug offences ⁵	6,478	2,600	40	180	1,942	30	365	492	8	1,000
<i>Youth Criminal Justice Act</i>	979	313	32	9	347	35	365	282	29	230
Residual federal statute offences	17,120	4,535	26	90	6,083	36	365	8,451	49	250
Total	246,984	86,661	35	30	110,885	45	365	72,204	29	800

... not applicable

1. Cases that involve more than one charge are represented by the most serious offence.

2. Custodial sentence lengths exclude time spent in custody prior to sentencing and/or the amount of credit awarded for time spent in pre-sentence custody. Also excludes cases in which the length of the custody sentence was unknown or indeterminate.

3. Excludes cases in which the length of the probation sentence was unknown or greater than three years.

4. Excludes cases in which the amount of the fine was unknown.

5. Includes, for example, sexual interference, invitation to sexual touching, child pornography, luring a child via a computer and sexual exploitation.

6. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

7. Includes, for example, theft over \$5,000, theft \$5,000 or under, as well as motor vehicle theft.

8. Includes drug trafficking, production, importing and exporting.

Note: Cases may involve more than one type of sentence and/or other sentences not shown, therefore, percentages do not total 100%. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. The median represents the midpoint, where exactly half the custody sentences are above and half are below. Data exclude information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.